STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: <u>Double Underline</u>

ORDINANCE NUMBER O-21411 (NEW SERIES)

DATE OF FINAL PASSAGE JANUARY 27, 2022

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,
DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 132.1402 AND 132.1403; AMENDING
CHAPTER 14, ARTICLE 3, DIVISION 12 BY AMENDING
SECTION 143.1212; AND AMENDING CHAPTER 14,
ARTICLE 4, DIVISION 5 BY AMENDING SECTION 144.0505,
ALL RELATING TO THE BARRIO LOGAN COMMUNITY
PLAN UPDATE.

§132.1402   Where the Community Plan Implementation Overlay Zone Applies

(a)   This overlay zone applies to properties that are identified in a community

plan as areas requiring supplemental development regulations or

processing of a *development permit* and that have been incorporated by

ordinance into this overlay zone. Table 132-14A lists the community plan

areas in which this overlay zone has been applied and the corresponding

rezone maps that indicate which properties are within the boundaries of

the overlay zone. These maps are filed in the office of the City Clerk. The

properties within this overlay zone are shown generally on Diagrams

1321-4A through 132-14<u>T</u>~~S~~.

Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Barrio Logan (See Diagram 132-14T)	C-1018
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-4344
College Area (See Diagram 132-14Q)	B-4339
Encanto Neighborhoods (See Diagram 132-14O)	C-962
Kearny Mesa (See Diagram 132-14S)	C-1011
Mid-City Eastern Area-Chollas Triangle (See Diagram 132-14N)	B-4310
Midway-Pacific Highway (See Diagram 132-14D)	B-4331
Mission Valley (See Diagram 132-14R)	C-1013
Navajo (See Diagram 132-14E)	C-954
Otay Mesa (See Diagram 132-14B)	C-956, B-4300
Pacific Beach (See Diagram 132-14F)	B-37371, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Peñasquitos (See Diagram 132-14I)	B-4025
Sherman Heights and Grant Hill Historic Districts (See Diagram 132-14M)	B-4312
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14P)	C-961
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-989

(b)   [No change in text.]

Table 132-14B
Community Plan Implementation Overlay Zone Applicability

[No change in text].

§132.1403   Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for

proposed *development* that is minor, temporary, or incidental and is consistent

with the intent of this division. Exceptions made by the City Manager shall be

filed with the office of the City Clerk.

DIAGRAM 132-14A through **DIAGRAM 132-14S**

[No change in text.]

DIAGRAM 132-14T
Barrio Logan Community Plan Implementation Overlay Zone
This is a reproduction of Map. No. C-1018 for illustration purposes only.

[No change in text].

§143.1212   Replacement of Protected Dwelling Units

Development subject to this Division that proposes demolition of vacant or

occupied *protected dwelling units* on the *premises* shall comply with all ~~of~~ the

following:

(a)   The *development* shall include at least as many *dwelling units* as the

greatest number of permitted *dwelling units* that existed on the *premises*

within the five-year period preceding the application submittal date. In the

Barrio Logan Community Plan Area, *development* shall include at least as

many *dwelling units* as the greatest number of permitted *dwelling*

units that existed on the *premises* within the seven-year period preceding the application submittal date.

(b)   [No change in text.]

(c)   The *protected dwelling units* shall be replaced as follows:

   (1)   [No change in text.]

   (2)   If all of the *protected dwelling units* are vacant or have been demolished within the five years preceding the application submittal date, the *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the five-year period preceding the application submittal date, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. In the Barrio Logan Community Plan Area, if all of the *protected dwelling units* are vacant or have been demolished within the seven years preceding the application submittal date, *development* must contain at least the same number of replacement *protected dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the seven-year period preceding the application submittal date, and must be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income categories are unknown for the highpoint, it is

rebuttably presumed that the *protected dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *protected dwelling units* shall be provided in that same percentage.

(3) through (5) [No change in text.]

(d)   The *applicant* shall provide existing residents of *protected dwelling units* with all of the following:

(1)   The ability to occupy their units until six months before the start of construction activities with proper notice, pursuant to California Government Code Sections 7260 through 7277. In the Barrio Logan Community Plan Area, any existing residents shall be allowed to occupy their *dwelling units* until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated termination of residency. The *record owner* shall deliver a notice of intent to terminate residency to the San Diego Housing Commission and to each resident household.

(2)   To those households that remain in a *protected dwelling unit*, the

        applicant shall provide:

        (A)   Relocation benefits ~~pursuant to~~ consistent with the

                requirements of California Government Code Sections

                7260 through 7277 for public agencies. The *applicant* or

                the *applicant*'s agent for development in the Barrio Logan

                Community Plan Area shall engage a qualified third-party

                contractor or consultant to oversee the provision of the

                required relocation benefits. The third-party contractor or

                consultant shall provide a letter to the San Diego Housing

                Commission certifying compliance with the relocation

                benefits requirements after completion of the relocation

                process.

        (B)   [No change in text].

        (C)   For *development* located within the Barrio Logan

                Community Plan Area, residents living within one mile of

                the *development* at the time of application shall receive

                priority for 75 percent of the affordable *dwelling units* in

                the *development* that are reserved for *very low income*, *low*

                income, or *moderate income* households.

Table 143-12A
Affordability Levels for Replacement Protected Dwelling Units

                [No change in text].

(e)   [No change in text].

§144.0505 **Tenant Benefits, Rights and Obligations**

(a)   The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.0505(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.

(b)   The *applicant* shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months' rent based on the current San Diego "fair market rent" for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the premises and shall be based upon the fairmarket rent at the time of the notice. In the Barrio Logan Community Plan Area, the *applicant* shall provide relocation benefits to all tenants of the project pursuant to California Government Code Sections 7260 through 7277.

(c)   In the Barrio Logan Community Plan Area, any existing tenants in the *development* will be allowed to occupy their *dwelling units* until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination

of residency. The *record owner* shall deliver a notice of intent to terminate

residency to the San Diego Housing Commission and to each resident

household.

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